

Effective 5/13/2014

19-6-404 Powers and duties of director.

- (1) The director shall:
 - (a) administer the petroleum storage tank program established in this part; and
 - (b) as authorized by the board and subject to the provisions of this part, act as executive secretary of the board under the direction of the chairman of the board.
- (2) As necessary to meet the requirements or carry out the purposes of this part, the director may:
 - (a) advise, consult, and cooperate with other persons;
 - (b) employ persons;
 - (c) authorize a certified employee or a certified representative of the department to conduct facility inspections and reviews of records required to be kept by this part and by rules made under this part;
 - (d) encourage, participate in, or conduct studies, investigation, research, and demonstrations;
 - (e) collect and disseminate information;
 - (f) enforce rules made by the board and any requirement in this part by issuing notices and orders;
 - (g) review plans, specifications, or other data;
 - (h) under the direction of the executive director, represent the state in all matters pertaining to interstate underground storage tank management and control, including entering into interstate compacts and other similar agreements;
 - (i) enter into contracts or agreements with political subdivisions for the performance of any of the department's responsibilities under this part if:
 - (i) the contract or agreement is not prohibited by state or federal law and will not result in a loss of federal funding; and
 - (ii) the director determines that:
 - (A) the political subdivision is willing and able to satisfactorily discharge its responsibilities under the contract or agreement; and
 - (B) the contract or agreement will be practical and effective;
 - (j) take any necessary enforcement action authorized under this part, including filing a lien against the real property, which is subject to cleanup and is owned by a responsible party, for the costs of abatement, investigative and corrective actions taken by the agency, if necessary, and depositing any funds received into the Petroleum Storage Tank Cleanup Fund created in Section 19-6-405.7;
 - (k) require an owner or operator of an underground storage tank to:
 - (i) furnish information or records relating to the tank, its equipment, and contents;
 - (ii) monitor, inspect, test, or sample the tank, its contents, and any surrounding soils, air, or water; or
 - (iii) provide access to the tank at reasonable times;
 - (l) take any abatement, investigative, or corrective action as authorized in this part; or
 - (m) enter into agreements or issue orders to apportion percentages of liability of responsible parties under Section 19-6-424.5.

Amended by Chapter 227, 2014 General Session